

EXHIBIT “A”

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION
4 GERALD RUHNOW and CONNIE
5 RUHNOW,
6
7 Plaintiffs, * CIVIL ACTION NO. 2:05 CV 527-F
8 vs.
9 LANE HEARD TRUCKING, LLC., *
10 et al.,
11 Defendants,

12 VIDEOTAPED
13 DEPOSITION OF: RANDALL JACKSON
14 DATE TAKEN: April 1, 2006
15 TIME: 9:19 a.m.
16 PLACE: 111 North Orange Avenue
17 Suite 1060
18 Orlando, Florida
19 REPORTED BY: Jan L. O'Steen, Court Reporter
20 Notary Public

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1 APPEARANCES:
2 Appearing on behalf of the Plaintiffs:
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8 Appearing on behalf of the Defendant, Lane Heard Trucking:
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23 Company:
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Champion:
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ALSO PRESENT: DAWN BOOKBINDER, VIDEOGRAPHER

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1 WHEREUPON,
2 The following proceedings were had,
3 THE VIDEOGRAPHER: Here begins videotape
4 number one in the deposition of Randall
5 Jackson, in the matter of Gerald Ruhnow and
6 Connie Ruhnow versus Lane Heard Trucking,
7 L.L.C., et al, Case No. 2:05 CV 527-F. We are
8 on the record at 9:19 a.m., on April 1st, 2006,
9 Saturday.
10 This deposition is taking place at 111
11 North Orange Avenue, Suite 1060. And the
12 videographer is Dawn Bookbinder. And, I'm
13 sorry, this is being taken in Orlando, Florida.
14 Will counsel please identify yourselves
15 and state whom you represent?
16 MS. HAMMETT: This is Katie Hammett. I
17 represent the defendant, Lane Heard Trucking.
18 MR. SPARROW: Callen Sparrow, on behalf of
19 the plaintiffs, Gerald and Connie Ruhnow.
20 MS. WILLIS: April Willis, on behalf of
21 the defendant, Michael Adkins.
22 MR. GARRETT: Brett Garrett, on behalf of
23 defendant Christy Champion.
24 MS. AMBROSE: Linda Ambrose, on behalf of
25 intervenor, Northland Insurance Company.

1 (Pages 1 to 4)

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<p>1 2 THE VIDEOGRAPHER: Will the reporter 3 please swear in the witness. 4 WHEREUPON, 5 RANDALL JACKSON, 6 a witness herein, having first been duly sworn, was 7 examined, and testified as follows: 8 DIRECT EXAMINATION 9 BY MS. HAMMETT: 10 Q Mr. Jackson, my name is Katie Hammett, and 11 I represent Lane Heard Trucking, who is the employer 12 of a truck driver named Michael Dukes, who was 13 killed in an accident that took place on March 7th, 14 2005, on Highway 231 in Troy, Alabama. 15 This lawsuit has been brought by Gerald 16 and Connie Ruhnow, and Gerald Ruhnow is the driver 17 of the other truck involved in the accident. And 18 Mr. Ruhnow is suing my client, Lane Heard Trucking, 19 and also Michael Adkins and Christy Champion. 20 For the record, can you please state your 21 name? 22 A Randall Jackson. 23 Q Is that your full name? Do you have a 24 middle name? 25 A Yes. Randall Sylvester Jackson.</p>	<p>1 MS. HAMMETT: Yes, Linda. 2 MS. AMBROSE: Did we go over the 3 stipulations? 4 MS. HAMMETT: We didn't. Is everybody 5 okay with the usual stipulations? 6 MS. AMBROSE: That's fine. 7 MR. SPARROW: Yes. 8 MS. HAMMETT: Okay. 9 MR. GARRETT: It's fine with me. 10 BY MS. HAMMETT: 11 Q All right. Mr. Jackson, please tell me, 12 and, more importantly, tell the jury everything you 13 can remember about the accident that took place in 14 Troy. 15 A Okay. Well, the -- I was traveling 16 southbound on Highway 231, roughly, about three to 17 four miles south of Troy, Alabama. It was, I guess, 18 about -- I want to say around nine -- between nine 19 and nine-thirty in the evening. It was raining. It 20 wasn't a downpour, but it was raining and it was 21 dark. 22 As I came up the hill, a truck passed me. 23 I guess that was the truck that I guess your client 24 was in. We were -- 25 Q Let me interrupt you. When you say my</p>
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<p>1 Q What's your Social Security number? 2 A 578-08-9028. 3 Q Mr. Jackson, what do you do for a living? 4 A I drive a truck. 5 Q And what's your home address? 6 A 360 West Washington Street, Orlando, 7 Florida, 32801. 8 Q And did you witness the accident that we 9 referred to that took place on March 7th, 2005, on 10 Highway 231 in Troy, Alabama? 11 A Yes, I did. 12 Q We're here today because you did witness 13 this accident that's made the basis of this lawsuit, 14 and as a witness, your testimony is important for a 15 jury to understand what happened in this accident. 16 And because you live in Orlando and 17 because the trial is likely to take place in 18 Montgomery, Alabama, we're videotaping this 19 deposition today, but it's for presentation to the 20 jury. 21 A Okay. 22 Q So do you understand that we're going to 23 videotape this and that you're under oath today? 24 A Yes. 25 MS. AMBROSE: Katie?</p>	<p>1 client, do you mean Mr. Dukes, the driver of the 2 truck? 3 A The driver -- I guess it was a white 4 Freightliner. 5 Q Okay. 6 A I'm assuming that was the driver who was 7 killed. I'm not -- I didn't know who was in what 8 truck at the time. 9 But the truck passed me. I was doing 10 about 45 miles an hour. He was probably doing about 11 between 50 and 55 going up the hill. As he passed 12 me, we topped the hill. He was probably, I want to 13 say, a little bit shorter than the length of a 14 football in front of me, in between 75 and 50 yards 15 in front of me. 16 I saw sparks come off the back of his 17 truck. I assumed that he had blown a tire, so I 18 slowed down to give him, you know, room to do 19 whatever needed to be done to get his truck, you 20 know, off to the side of the road or whatever 21 happened -- whatever was going to happen. 22 Right after I saw the sparks, I would say 23 about four to five seconds after that, his truck 24 took an extremely hard turn to the left, which 25 actually took him into oncoming traffic. So he</p>

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<p>1 crossed from the southbound lane to the northbound 2 side of 231. This took place right at -- I believe 3 it was a Pritchard's gas station, just to the right, 4 and that's the landmark that I remember because it 5 was right there at that gas station. 6 When the truck took a hard turn to the 7 left, it was almost as though he just turned the 8 truck extremely hard, is what it appeared to me. I 9 didn't know what was going on. The trailer started 10 to turn to go over and land on its side, and just 11 as -- just before the trailer hit, a truck that was 12 traveling in the northbound side of 231 made impact 13 with the truck that just crossed over from the 14 southbound to northbound side. The two trucks hit, 15 and there was, you know, fire almost 16 instantaneously. 17 At that point, I stopped the truck, got 18 out, and tried to, you know, call for the drivers. 19 There was another truck driver behind me -- I don't 20 know his name -- who got out just about the same 21 time I did. He was behind me, apparently. And 22 there was another gentleman there who I don't know 23 where he came from. 24 We pulled one driver -- both drivers were 25 in the ditch, which would have been on the</p>	<p>1 rescue and the police got there, which, I guess, was 2 probably -- I mean, it probably wasn't as long as it 3 appeared -- as it seemed to be, but if I was to 4 guess, maybe ten minutes, I guess, from the call. I 5 made a call, as soon as I saw it happening, to 911. 6 And apparently there was another accident that I did 7 not see that was, I guess, in front of the truck 8 that I was behind. And that was pretty much about 9 it. 10 Q Okay. Let's -- for identification 11 purposes, the truck that passed you -- 12 A Uh-huh. 13 Q -- was a -- a white Freightliner? 14 A That's correct. 15 Q And do you understand today who was 16 driving that truck? 17 A I do now, yes. 18 Q And who was that? 19 A That was your client, or -- 20 Q Michael Dukes; -- 21 A Correct. 22 Q -- is that correct? 23 A That was Michael, yes. 24 Q Okay. And the other truck that was 25 involved in this accident, do you know who was</p>
Page 10	Page 12
<p>1 northbound side of 231. One was walking up the 2 incline there from the ditch who I saw and 3 approached, and he was pretty badly burned. I found 4 out later that was the driver of the northbound 5 truck that actually hit the other truck. He was 6 burned pretty badly. I called to him. He was 7 coming up. He said don't touch him because his skin 8 was on fire -- or it wasn't actually on fire, but 9 his skin was badly burned and it was starting to 10 peel. I directed him up to the hill. And somebody 11 else that was there assisted him to the side of the 12 road. 13 We went -- I went back down the ditch 14 where the other driver was, the one that was behind 15 me, and we got another driver who was laying under 16 some type of debris, and we pulled him out of the 17 ditch. At that time, he was conscious. He was 18 talking, in a lot of pain. I believe he said his 19 name was Michael. And we pulled him as far out as 20 we could. 21 The trucks were on fire. There was things 22 exploding, a lot of smoke. And we pulled him a 23 little further away from where the wreck had 24 happened, I guess from the ditch that was actually 25 burning as well. And we sat there until fire and</p>	<p>1 driving that truck now? Do you have an 2 understanding -- 3 A Yes. That was the gentleman who actually 4 walked up the ditch. 5 Q And do you know what his name is? 6 A I do not know what his name was. 7 Q Does Gerald Ruhnnow sound familiar to you 8 at all? 9 A I couldn't even tell you. He never did 10 say his name, so I don't know. 11 Q Okay. Let's talk just briefly about, you 12 said there was another accident that happened in 13 front of this accident? 14 A Correct. 15 Q Do you know who was involved in that 16 accident? 17 A All I know is that there was a car and a 18 motorcycle. I found that out by the state trooper, 19 who -- when he was taking my statement, that there 20 was another accident. I never -- I do remember a 21 motorcycle passing me that evening right before the 22 accident happened, but I didn't witness that. I was 23 told about that one, so I don't know exactly what 24 happened. 25 Q Do you remember what the motorcycle that</p>

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<p>1 passed you looked like?</p> <p>2 A It looked like a black motorcycle. I</p> <p>3 mean, I couldn't tell you what kind it was, because</p> <p>4 it passed me to the right, because I was moving a</p> <p>5 lot slower than most traffic. So I waited for him</p> <p>6 to pass, I waited for the other truck to pass, and</p> <p>7 then I moved over.</p> <p>8 I remember he had on a rain suit, a yellow</p> <p>9 rain suit. That's about all I remember of seeing,</p> <p>10 because it's like a glancing thing.</p> <p>11 Q Sure. Did the motorcycle -- about how</p> <p>12 long after the motorcycle passed you did you witness</p> <p>13 this accident?</p> <p>14 A It wasn't very long. Maybe 15, 20</p> <p>15 minutes. I mean, it's kind of hard to say. It was</p> <p>16 a long time ago, almost a year ago.</p> <p>17 Q Okay.</p> <p>18 A He would have passed us -- let's see,</p> <p>19 there were two hills -- there are two hills coming</p> <p>20 out of Troy. And I want to say he passed me as we</p> <p>21 were going down the first hill, as we came over and</p> <p>22 were going down the first hill, before we started to</p> <p>23 go up the second hill, which was right before the</p> <p>24 Pritchard. So I would say he may have passed me a</p> <p>25 mile and a half south of Troy maybe.</p>	<p>1 he just blew a tire on the trailer.</p> <p>2 Q Well, you drive trucks, correct?</p> <p>3 A Correct.</p> <p>4 Q Okay. I don't. I've never driven a large</p> <p>5 truck. But when somebody's tire blows out, are</p> <p>6 there usually sparks?</p> <p>7 A Not usually. Not usually. Usually</p> <p>8 there's a loud noise and you just see debris from</p> <p>9 the tire and like dust and dirt come off of a truck.</p> <p>10 I mean, very rarely do you see sparks.</p> <p>11 I've been driving for ten years, and I can't</p> <p>12 remember any time that I've actually seen sparks</p> <p>13 come off a truck from a blown tire.</p> <p>14 Q Okay.</p> <p>15 A Because I usually don't -- like, sometimes</p> <p>16 they will disintegrate, which is very rare, but</p> <p>17 usually it's just a cap or the tread actually comes</p> <p>18 off. But the tire is still on the rim. And that's</p> <p>19 where the dust and stuff comes from. Because</p> <p>20 there's two tires on each axle -- or I should say on</p> <p>21 one side of each axle. There's two tires on the</p> <p>22 right-hand side and two tires on the left. So</p> <p>23 normally when one tire blows, the tire that's on the</p> <p>24 inside or the outside takes the weight of whatever</p> <p>25 is in the trailer. So the tires don't normally hit</p>
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<p>1 Q Okay. Do you know how fast that</p> <p>2 motorcycle was going, approximately?</p> <p>3 A Probably not more than 55, 60, if that. I</p> <p>4 mean, we were all kind of -- I know I was going</p> <p>5 slow, because I was fully loaded. So as I was</p> <p>6 coming up the other hill, I was slowed down by that</p> <p>7 weight. He probably wasn't going more than 55, 60,</p> <p>8 at the most. I mean, it's kind of hard to say</p> <p>9 because I was going so slow.</p> <p>10 Q How long after that motorcycle passed you</p> <p>11 did Mr. Duke's truck pass you?</p> <p>12 A Wow. Not very long after that. Again,</p> <p>13 Michael -- Mr. Duke's truck, I think, was behind the</p> <p>14 motorcycle. He was behind me initially, and then he</p> <p>15 moved over and began to pass. So I would say a</p> <p>16 couple of minutes maybe. You know, maybe longer</p> <p>17 than that.</p> <p>18 But, again, he had to slow down for the</p> <p>19 hill as well, because he was -- I'm assuming he</p> <p>20 was -- I don't know, but . . .</p> <p>21 Q So what was the first indication to you</p> <p>22 that something was wrong?</p> <p>23 A I saw sparks come off the back of it</p> <p>24 appeared to be the trailer, and that's what made me,</p> <p>25 you know, slow down, because I thought -- I assumed</p>	<p>1 the ground. They don't normally -- the rims don't</p> <p>2 normally touch the ground, unless both of them blow</p> <p>3 at the same time.</p> <p>4 Q So you told me earlier that it's your</p> <p>5 understanding that there was an accident that</p> <p>6 happened before my driver came on and --</p> <p>7 A That's correct.</p> <p>8 Q -- you saw these sparks?</p> <p>9 A That's correct.</p> <p>10 Q And do you have an understanding of what</p> <p>11 that accident was?</p> <p>12 A From what the state trooper --</p> <p>13 MS. AMBROSE: Object to the form.</p> <p>14 THE COURT REPORTER: I'm sorry?</p> <p>15 MR. GARRETT: Same objection, just based</p> <p>16 on hearsay.</p> <p>17 THE COURT REPORTER: Who's speaking?</p> <p>18 MS. HAMMETT: Can you-all identify</p> <p>19 yourselves when you object?</p> <p>20 MS. AMBROSE: I'm sorry. Linda.</p> <p>21 MR. GARRETT: And Brett Garrett for</p> <p>22 Christy Champion.</p> <p>23 BY MS. HAMMETT:</p> <p>24 Q You can answer the question.</p> <p>25 A I can't?</p>

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Page 17	<p>1 Q You can.</p> <p>2 A Oh, okay. From what the state trooper</p> <p>3 told me when I was sitting in the vehicle when he</p> <p>4 was taking my statement, apparently a car pulled out</p> <p>5 in front of the motorcycle from the gas station.</p> <p>6 The motorcycle rear-ended the car, and that the</p> <p>7 truck that was in front of me hit the motorcycle.</p> <p>8 And that's where the sparks came from, because the</p> <p>9 truck was popped up in the air by the front tire,</p> <p>10 what we call the steer tire. I'm assuming on the</p> <p>11 right-hand side. He didn't specify which side. It</p> <p>12 popped the truck in the air. When it came down, it</p> <p>13 landed on top of the motorcycle, blew the steer</p> <p>14 tire, and that's where the sparks came from.</p> <p>15 And that's what -- when the truck came</p> <p>16 down, it hit that bare metal on concrete. That's</p> <p>17 what turned it to the left and shot it across into</p> <p>18 oncoming traffic. That's what I was told. I mean,</p> <p>19 I didn't witness any of that. And, apparently,</p> <p>20 that's what exploded and made the two trucks catch</p> <p>21 fire as well. But I couldn't tell what actually</p> <p>22 made them catch fire, but it couldn't have been more</p> <p>23 than maybe a second or two before I saw flames after</p> <p>24 the two trucks impacted.</p> <p>25 Q Having been told that about the</p>	Page 19	<p>1 trying to console her. I don't know if they were</p> <p>2 involved or not. It appeared to be, as distraught</p> <p>3 as she was, but I couldn't say one way or the other</p> <p>4 whether she was the one that was involved.</p> <p>5 There were a few people standing around.</p> <p>6 There was, of course, the traffic that was behind me</p> <p>7 that had stopped. But other than that, I mean,</p> <p>8 other than onlookers, those are the only people that</p> <p>9 I saw.</p> <p>10 Q So you didn't -- you didn't see anything</p> <p>11 ahead of you that would cause you to believe that</p> <p>12 there was an accident before the sparks started?</p> <p>13 A No. I was directly behind Michael's</p> <p>14 truck.</p> <p>15 Q And I think you stated earlier that it was</p> <p>16 dark and raining; is that correct?</p> <p>17 A That's correct.</p> <p>18 Q Before you saw the sparks or even</p> <p>19 afterwards, did you see Michael make any sort of</p> <p>20 evasive maneuvers?</p> <p>21 A I saw the truck kind of wiggle. What I</p> <p>22 mean by wiggle, it was like he kind of went left and</p> <p>23 then went right, and then that's when he went across</p> <p>24 the road. But it wasn't like a major move. It was</p> <p>25 just kind of like, you know, a short jog this way, a</p>
Page 18	<p>1 motorcycle, does it make more sense to you now that</p> <p>2 there were sparks?</p> <p>3 A Yeah, it makes absolutely all -- more</p> <p>4 sense than ever, because, again, I've been driving</p> <p>5 for ten years. I've blown tires. I've seen them</p> <p>6 blown. I've blown both tires. I mean, I've gone</p> <p>7 through probably just about everything that a person</p> <p>8 could go through in a truck. I've seen just about</p> <p>9 everything. I mean, I'm sure there's some things I</p> <p>10 haven't seen, but, you know, I've put in well over a</p> <p>11 million and a half, two million miles in my time of</p> <p>12 driving, and I've seen a lot of different accidents</p> <p>13 happen. I've seen the results of a lot of</p> <p>14 accidents. And I've never seen a truck blow a tire</p> <p>15 and have sparks come off of it. I've never seen</p> <p>16 that, and I've never experienced it. It doesn't</p> <p>17 mean it doesn't happen, but I personally have never</p> <p>18 seen it happen.</p> <p>19 Q After the accident, did you notice any</p> <p>20 other vehicles on the side of the road or did you</p> <p>21 see this motorcycle?</p> <p>22 A I never saw the motorcycle because it was</p> <p>23 under the truck. It was dragged across the road as</p> <p>24 well. I did see a woman who was very distraught,</p> <p>25 you know, crying, and another gentleman that was</p>	Page 20	<p>1 short jog that way (indicating), and then that's</p> <p>2 when I saw the sparks. And then right after the</p> <p>3 sparks, he shot across the road.</p> <p>4 Q You said he made a hard left, is that --</p> <p>5 A That's what -- I mean, that's -- I</p> <p>6 don't -- I'm not saying that he did it. That's</p> <p>7 what it -- I mean, to kind of give you a visual of</p> <p>8 what it looked like, it looked as though he just</p> <p>9 took the wheel and just turned it left as hard as he</p> <p>10 possibly could at 50 miles an hour. I mean, that's</p> <p>11 what it appeared. That's what it looked like for</p> <p>12 me. It's like first of all the truck was going</p> <p>13 straight, and all of a sudden it just shoots to the</p> <p>14 left and just goes, like, straight across the road.</p> <p>15 So, I mean, it was -- it was very strange.</p> <p>16 Q You said, I'm not saying he did it. What</p> <p>17 did you mean by that?</p> <p>18 A Well, I mean, in terms of -- I mean, a</p> <p>19 truck -- it wouldn't make any sense for a truck</p> <p>20 driver just to, you know, turn his truck to the</p> <p>21 point to where his trailer turns over for no</p> <p>22 apparent reason.</p> <p>23 I mean, being behind him, it was just</p> <p>24 like, you know -- it looked as though something was</p> <p>25 wrong. Maybe he blew a steer tire. Maybe a tire</p>

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<p>1 rod came loose. Something on the steel axle would 2 have gone wrong to have -- to just all of a sudden 3 take off to the left. I mean, I don't even think a 4 driver could do it that fast at that speed without 5 knowing that he would turn the trailer over. 6 Q So it appeared to you as if he lost 7 control of the vehicle? 8 A Yeah, there was no doubt. There's no 9 doubt in my mind that he lost control of the 10 vehicle. 11 Again, it would make -- there would be no 12 reason for a truck driver going that speed to turn 13 his truck that hard, not to switch lanes. I mean, 14 it was -- it just wouldn't make any sense. 15 MR. SPARROW: Hey, you-all, just for 16 whatever it's worth, I objected to that 17 question, and then realized my phone was on 18 mute. If I could have that objection. 19 MS. HAMMETT: Who is this? When you make 20 objections, can you-all identify yourselves? 21 MR. SPARROW: This is Callen. 22 MS. HAMMETT: Okay. You're objecting to 23 which question? 24 MR. SPARROW: Your last question, and then 25 I looked down and realized I had muted my</p>	<p>1 Q So the truck began tipping over, and then 2 once they made impact, it did? The trailer tipped 3 all the way over; is that correct? 4 A Yes, the trailer tipped all the way over, 5 but the tractor was still upright. I think the only 6 reason the tractor was still upright was because of 7 the impact, because the whole thing would have went 8 over. 9 MS. HAMMETT: I'm going to show you what 10 I'm going to identify as Exhibit No. 1. 11 For everyone on the phone's reference, 12 this is the diagram that is attached to the 13 Alabama Uniform Traffic Accident Report. The 14 accident number is 5506412. It shows the 15 diagram showing the trucks. This is going to 16 be Exhibit 1. 17 (Defendant's Exhibit No. 1 was marked 18 for identification.) 19 MS. AMBROSE: This is Linda. For the 20 record, page four of that report; is that 21 right, Katie? 22 MS. HAMMETT: Yes. 23 BY MS. HAMMETT: 24 Q Could you tell me, is this the way you 25 remember the trucks --</p>
Page 22	Page 24
<p>1 speaker. 2 MS. HAMMETT: Okay. 3 MS. AMBROSE: The question about what, 4 Callen? This is Linda. 5 MR. SPARROW: When she said that it 6 appeared to him that he lost control when he 7 went to the left. 8 MS. AMBROSE: Okay. 9 BY MS. HAMMETT: 10 Q Okay. Let's go back. At the moment he 11 took for whatever reason this hard left, did he make 12 impact with the oncoming truck, or did the oncoming 13 truck made impact with him? 14 A The oncoming truck made impact with him. 15 Q And so where did it hit his truck? 16 A It appeared that the northbound truck made 17 impact right about or just behind the passenger side 18 door of Michael's truck. 19 Q And you said that his trailer was tipping 20 over? 21 A Yeah, it was probably about -- when 22 impact -- when the two trucks made impact, the 23 trailer was maybe a couple of feet from the ground. 24 I mean, it was almost like right before the trailer 25 was completely on its side.</p>	<p>1 A No. 2 Q -- being impacted? 3 A No, not at all. 4 Q Could I ask you, with my red pen here, 5 to -- just below it, can you more accurately draw 6 how you remember -- 7 A Yeah. 8 Q -- the trucks impacting one another? 9 A Yeah. Just the impact? 10 Q You can do it just below. 11 A Just the impact itself? 12 Q Yes, the way the trucks were aligned. 13 A Okay. 14 Q And let's -- for the record, the 15 understanding is that vehicle -- what they've 16 identified as vehicle one was Michael's truck, and 17 vehicle two is Gerald Ruhnnow's truck. 18 A Okay. This is going to be very crude. 19 Q That's fine. You can just kind of do it 20 the way they did it, if you want to. 21 A Michael's truck was this way. 22 MS. AMBROSE: When you say "this way" -- 23 this is Linda -- can you describe it, please, 24 Mr. Jackson? 25 THE WITNESS: Michael's truck was directly</p>

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<p>1 across the road. If you were to take a semi 2 and -- if this is north and south, this would 3 be west. It would be almost as though 4 Michael's truck was facing completely west, if 5 that makes sense. It was this way. This is 6 the tractor and then -- 7 BY MS. HAMMETT: 8 Q And, for the record, let's mark that as -- 9 A This would be V-1. 10 Q Yes, V-1. 11 A And then vehicle two was this way. And 12 That would be vehicle two. This is how I remember 13 the two trucks (indicating). 14 Q Okay. Thank you. 15 A They did not impact head on. 16 Q Did you have any idea how fast 17 Mr. Ruhnow's truck was going? 18 A No. I saw Mr. Ruhnow's truck maybe two 19 seconds before they actually hit. 20 MR. GARRETT: Guys, I'm sorry to interrupt 21 you. In terms of what he just drew, is -- is 22 vehicle one, he said pointed more or less 23 westbound. What was Mr. Ruhnow's truck like in 24 his memory? I'm sorry to interrupt you. 25 THE WITNESS: Mr. Ruhnow's truck is</p>	<p>1 A Maybe 55, 60, maybe. I mean, he wasn't -- 2 he didn't -- he didn't like scream past me, you 3 know. And I was doing 45 coming up the hill, so I 4 was just gaining my speed as we topped the hill -- 5 as I topped the hill. I was just coming back up to 6 around 55 -- to 50, and he was not pulling away from 7 me by any stretch of the imagination. So I 8 assume -- I mean, I don't know exactly, but I assume 9 he was only doing about 55, maybe 60. 10 Q So were you able to observe Mr. Duke 11 driving before this accident for a little while? 12 A The actual driver? I mean, did I actually 13 see -- 14 Q Him in his vehicle before that? You -- 15 A Oh, I mean -- 16 Q You said he passed you -- 17 A Yeah. Yeah. I was in front of him. 18 Yeah, I was in front of him as we came out of Troy. 19 We came down a hill, which is, I guess, right by, I 20 think it's a Wai-Mart or a Lowe's they were just 21 building at the time. I was going faster than he 22 was going down the hill. As we topped the first 23 hill, he was behind me, and then there was a 24 motorcycle in front of me -- in front of him, to the 25 right of me. The motorcycle went past, I guess his</p>
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<p>1 vehicle two? 2 MS. HAMMETT: Vehicle two. 3 THE WITNESS: Mr. Ruhnow's truck was 4 traveling directly -- he was facing directly 5 northbound. 6 MR. GARRETT: Okay. 7 THE WITNESS: So he was facing directly 8 north. The two trucks, when they hit, would 9 have made an L shape, if that kind of helps. 10 MR. GARRETT: I understand what you're 11 saying. Thank you for clarifying it. 12 THE WITNESS: Uh-huh. 13 BY MS. HAMMETT: 14 Q Okay. Just to go back, you didn't have 15 any idea how fast Mr. Ruhnow was going? 16 A No. No. I know that by the time that 17 Michael's truck crossed into northbound traffic and 18 Mr. Ruhnow came up, he didn't have time to do any 19 brakes. I mean, it was just like an instantaneous 20 thing. So, I mean, I would have had no -- like I 21 said, I just saw his truck right before they made 22 impact. 23 Q Okay. And you testified earlier, I 24 believe, that you think Mr. Duke was going how fast 25 at this time of this accident?</p>	<p>1 last name is Duke? 2 Q Yes. Michael. You can call him 3 whichever. 4 A Okay. Michael went past as we topped the 5 second hill -- or as we were coming up the second 6 hill, he passed me. I moved over behind him in the 7 far right-hand lane. He was in front of me at that 8 point. He topped the hill before I did right by the 9 Pritchard gas station, and that's when, I guess, he 10 hit the motorcycle. 11 Q So you were able to observe him for a 12 little while? 13 A Yeah. I saw him for maybe, you know, a 14 mile or so, maybe two miles. 15 Q Did you notice him do anything unusual at 16 that time? 17 A No. Huh-uh. He was -- we were just, you 18 know, driving along. I mean, there wasn't any -- 19 any type of sudden moves that he was making or 20 anything to think that he was sleepy or, you know, 21 because -- I mean, wiggle or moving around. He just 22 was driving along, just like I was. 23 Q So you didn't have any reason to believe 24 he was -- 25 A No.</p>

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<p>1 Q -- doing anything incorrectly?</p> <p>2 A No. I mean, not that I witnessed, no, not</p> <p>3 at all.</p> <p>4 Q Let's go back and talk a little bit about</p> <p>5 the scene --</p> <p>6 A Okay.</p> <p>7 Q -- after the accident.</p> <p>8 A Okay.</p> <p>9 Q I believe you testified that you helped</p> <p>10 someone up the hill?</p> <p>11 A Correct.</p> <p>12 Q And do you have an understanding of who</p> <p>13 that is?</p> <p>14 A Correct.</p> <p>15 Q And who was that?</p> <p>16 A That was -- what was his name? I don't</p> <p>17 remember his name.</p> <p>18 Q Mr. Ruhnow, does that sound correct?</p> <p>19 A Ruhnow, yeah. I don't know if that -- I</p> <p>20 mean, I saw a driver. He said to me that he had to</p> <p>21 kick his way out of his truck and that the truck was</p> <p>22 on fire. He appeared badly burned. He was coming</p> <p>23 up the hill, and as I reached out for him, he said,</p> <p>24 don't touch me. My skin is -- is -- feels like it's</p> <p>25 coming off.</p>	<p>1 conscious. I mean, he walked up and he said -- he</p> <p>2 asked me, do you know why that truck hit me?</p> <p>3 I didn't know who he was or what truck he</p> <p>4 was in at the time. I said, I don't know. I said,</p> <p>5 it looked like he blew a tire. That's what I said</p> <p>6 to him.</p> <p>7 But, again, I don't know, you know, who</p> <p>8 was in what truck, and no one -- I mean, the truck</p> <p>9 that was traveling northbound actually hit the other</p> <p>10 truck, so I didn't know what truck he was in. So I</p> <p>11 just said what came to mind and had another guy, you</p> <p>12 know, watch out for him until, you know, the</p> <p>13 ambulance and the police, fire department got there,</p> <p>14 and I ran back down into the ditch.</p> <p>15 Q And how long after this accident, the</p> <p>16 impact occurred, do you think it was until the time</p> <p>17 you spoke with Mr. Ruhnow?</p> <p>18 A Maybe a minute or two. I mean, it wasn't</p> <p>19 very long. I was on the other side. I made the</p> <p>20 call to 911 standing beside my truck, and then after</p> <p>21 that -- so it may have been a couple -- couple two</p> <p>22 or three minutes.</p> <p>23 Q And you said, obviously, he was walking</p> <p>24 and talking. Did he seem coherent to you?</p> <p>25 A Yes. Yes, he did. Yeah.</p>
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<p>1 And I told him just to follow my voice up</p> <p>2 the hill to the road. There was another person</p> <p>3 there. I don't remember what that person looked</p> <p>4 like. And told him to watch him as I went back into</p> <p>5 the ditch to help the other drivers that were behind</p> <p>6 me get Michael, assist him and get him out of, you</p> <p>7 know, the ditch that was on fire.</p> <p>8 Q Let's go back to the person we believe is</p> <p>9 Mr. Ruhnow.</p> <p>10 A Huh-uh.</p> <p>11 Q What did he look like? Can you describe</p> <p>12 him?</p> <p>13 A He was a white gentleman, maybe about five</p> <p>14 four, five five. He had on a blue shirt, I believe.</p> <p>15 Like a jean shirt it looked like. His face was</p> <p>16 burned, and he was standing with his arms out, you</p> <p>17 know -- you know, like he was hurting. And I</p> <p>18 believe he had on jeans. I really don't remember.</p> <p>19 Q Can you describe -- you said his face was</p> <p>20 burned -- where it was burned and --</p> <p>21 A His whole face was like a dark color. I</p> <p>22 mean, his whole face. His hands -- I remember he</p> <p>23 had his sleeves rolled up. His arms were burned.</p> <p>24 His hands were burned. His face was dark, like it</p> <p>25 had been burned. But he was talking. He was</p>	<p>1 MS. AMBROSE: This is Linda. I'm having</p> <p>2 trouble hearing. Can you-all speak up?</p> <p>3 MS. HAMMETT: We'll try, Linda.</p> <p>4 MS. AMBROSE: Thanks.</p> <p>5 BY MS. HAMMETT:</p> <p>6 Q So you assisted Mr. Ruhnow up the hill?</p> <p>7 A Correct -- well, I didn't really assist</p> <p>8 him. I mean, I met him about halfway. I reached</p> <p>9 out for him to touch his back, and he said, don't</p> <p>10 touch me, my skin hurts. And I realized that he was</p> <p>11 probably burned.</p> <p>12 And so I just spoke him up the hill to</p> <p>13 where he could just come toward my voice to get him</p> <p>14 up to the road to get him to where he would get away</p> <p>15 from, you know, the fire and so forth that was going</p> <p>16 on.</p> <p>17 Q And you said that there was someone up</p> <p>18 there that started assisting him or --</p> <p>19 A Yeah, there were two or three people --</p> <p>20 there were -- I mean, there were several people on</p> <p>21 the road after it happened. I mean, I don't know</p> <p>22 where they all came from, but I'm assuming that a</p> <p>23 lot of them were, you know, traveling the road</p> <p>24 behind us that were on the southbound side and maybe</p> <p>25 some people that were -- I guess there's some mobile</p>

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<p>1 homes or something right around that area. So I'm 2 assuming that's where they came from. I mean, I 3 don't know where they came from. But there were 4 several people there. There was several people out 5 there. 6 Q So at that point you went back to the 7 ditch? 8 A Correct, and started looking for the 9 second driver. 10 Q And describe that to me. 11 A I just ran down in the ditch. As I got 12 down at the bottom, it's a pretty high ditch. I 13 mean, it's pretty -- I guess maybe 15 feet down 14 maybe. I ran down, and the other driver and I and 15 another gentleman, the driver that was behind me, 16 started calling for the other driver, just, you 17 know, shouting, you know, driver, driver, where are 18 you, driver? 19 And they saw him under some debris that 20 was on fire. We threw the debris off of him and 21 just drug him out by his shirt and his arms out of 22 the ditch, which was also on fire, and drug him to 23 where we thought was a safe distance, which wasn't, 24 you know, really far from the accident, where all 25 the smoke and stuff was blowing down to where we</p>	<p>1 A I don't remember what it was, but -- 2 Q And did you-all have to physically remove 3 that debris from him? 4 A Yeah, we just -- I mean, it wasn't 5 something that was, like, heavy or anything. I 6 don't remember what it was, but we just kind of, you 7 know, tossed it aside and grabbed him and just 8 started dragging him out. 9 Q So that area around him was on fire as 10 well? 11 A Yes. Yes, it was. 12 Q And you-all physically moved him away from 13 that -- 14 A Correct. 15 Q Okay. Let's start at that point and tell 16 me what happened. 17 A Well, the other driver and gentleman were 18 there before I was, because I assisted the other 19 driver up -- up to the side. And I ran back down to 20 where they were, and I guess that was right about 21 the time that they actually found him, Michael. 22 I grabbed his shirt. The other guy 23 grabbed one of his arms, and the other driver 24 grabbed one of his arms. The skin was coming off 25 and peeling. We pulled him out away from the part</p>
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<p>1 were. 2 MS. HAMMETT: Hold on. 3 (Off-the-record discussion.) 4 MS. HAMMETT: This is Katie. There was 5 static. So why don't we just have everybody 6 identify themselves really quick to make sure 7 we've got everybody on the phone. 8 MR. SPARROW: Callen. I'm here. 9 MR. GARRETT: Brett Garrett is here. 10 MS. AMBROSE: Linda Ambrose is here. 11 MS. WILLIS: April Willis is here. 12 MS. HAMMETT: All right. We'll start 13 again. I'm not sure where we were. 14 THE WITNESS: I was describing the scene 15 and the ditch. 16 BY MS. HAMMETT: 17 Q Let's -- when you found Mr. Duke, he was 18 not in his truck? 19 A No. No. 20 Q Do you know how he got to the ditch? 21 A He was thrown out of his truck. 22 Q Okay. And I believe you said there was 23 some debris on him that was on fire? 24 A Yeah. 25 Q Okay.</p>	<p>1 of the ditch that was on fire. We couldn't drag 2 him -- we didn't want to move him a whole lot if we 3 could help it. We didn't know -- didn't know how 4 badly hurt he was. 5 We spoke to him, asked him what his name 6 was. He said his name was Mike. About that time we 7 were asking him where he was hurt. And he said, all 8 over. And we said, just relax. 9 At that point, something exploded, and the 10 wind was blowing the smoke directly where we were, 11 and the fire appeared to be closer. So we drug him 12 a little bit further away, and right about that time 13 he began to move around. I don't know what he was 14 doing. I don't know if he was just moving because 15 he was in pain or if he was trying to get away. I 16 don't know what he was doing. 17 We told him -- you know, at that time we 18 could hear the sirens at that point, and we just 19 kept telling him, here they come. You know, can you 20 hear them? They're coming, so just relax. Be 21 there, sit there. You know, they'll be here soon. 22 We can hear them. And we just tried to talk to him 23 as best we could. 24 By that time, the fire department came. 25 They were up on the road. We were down in the</p>

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<p>1 ditch. They were telling us to get out of there. 2 And we yelled back to the fire department, there's a 3 driver here that was injured. And then that's when 4 they came down and did whatever they did. I moved 5 back up, you know, up onto the road at my truck. 6 And that was about it. 7 Q Can you describe the physical appearance 8 of Michael Dukes? 9 A He looked badly burned, too. I mean, he 10 was badly burned because his skin was coming off in 11 our hands. I mean, his whole body was burned, I 12 mean, from what I could tell. I mean, his clothes 13 seemed a little singed, but they weren't, you know, 14 really bad. 15 But he had on a -- if I remember 16 correctly, I believe he had on like a red shirt with 17 cut-off sleeves and jeans. That's -- it may have 18 been sweats. I'm not -- I just don't really 19 remember exactly what happened. I remember the red 20 shirt, because I grabbed hold to the shirt and was 21 pulling him away from the fire. 22 Q And I assume, you said that he was moving, 23 that he was conscious? 24 A Yes, he was conscious. We actually spoke. 25 Q And --</p>	<p>1 emergency medical people were on the scene? 2 A Maybe ten minutes. 3 Q Did you see them attending to either of 4 the drivers? 5 A I saw them attending to the other driver, 6 the one that walked up the hill. They laid him on 7 his stomach on a gurney. 8 Q When you say "the other driver," you mean 9 Mr. Ruhnow? 10 A Mr. Ruhnow. I keep forgetting his name. 11 Yeah, Mr. Ruhnow. 12 Q I'm sorry. They laid him on his stomach? 13 A Yeah, they laid him on his stomach on the 14 stretcher, and they -- it looked like they cut his 15 shirt away. I didn't really see much other than 16 that. I actually saw the fire department put 17 Michael in what appeared to be a blanket, and they 18 drug him up -- they picked him up and carried him up 19 the hill in like a blanket. And I didn't see much 20 after that, because at that point I think I was in 21 the state trooper's car. 22 Q Did you see the emergency medical people 23 attending to anyone other than those two 24 individuals? 25 A No.</p>
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<p>1 A He was conscious. He could hear what 2 we -- he could understand what we asked him, which 3 is what was hurting on him. And he said, everything 4 hurts. 5 Q What else did he say to you? 6 A He told me his name was Michael. We asked 7 him what hurt on him. He said, everything hurts, 8 and he just kind of started moaning. But he was 9 alive and conscious when I -- you know, at that 10 point. I didn't find out until -- a lawyer 11 contacted me, I don't know how long after that, but 12 that's when I found out he actually passed away. 13 Q So at the point that the emergency medical 14 people got there and you left him, he was alive? 15 A That's correct. 16 Q Can you recall him saying anything else? 17 Were you-all asking him any other questions? 18 A We asked him if there was somebody else in 19 the truck, and he didn't say anything. 20 MR. GARRETT: Hello. 21 MR. SPARROW: Hello. 22 MS. HAMMETT: Yeah, we're still here. 23 Just give me a minute. 24 BY MS. HAMMETT: 25 Q How long do you think it was before the</p>	<p>1 Q You said you spoke with the police. It 2 was the state troopers; is that correct? 3 A Correct. 4 Q Did you ever give them a written 5 statement? 6 A No. He asked me a bunch of questions, 7 what happened. I think he was writing it down. 8 Q Do you remember his name? 9 A No. No, I don't. 10 Q You said that there -- assisting Mr. Duke 11 after the truck accident it was you and two other 12 individuals; is that correct? 13 A Yes. 14 Q And you can't recall their names? 15 A No. No. Actually -- and, actually, I had 16 a card of the driver that was behind me. Just by 17 chance we actually drove down to Ozark, Alabama, 18 where there's a truck stop, the Inland, and I 19 actually saw him -- 20 THE COURT REPORTER: Drove down where? 21 THE WITNESS: To Ozark, Alabama. There's 22 a truck stop there called the Inland, where I 23 saw him. He was there before me. We just both 24 happened to stop there. And I saw him at that 25 point and we talked for a minute.</p>

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<p>1 BY MS. HAMMETT: 2 Q Does the name Gene Richardson sound 3 familiar to you? 4 A No. 5 Q Does the name John Lynch? 6 A John Lynch, that's who it was. 7 (Defendant's Exhibit No. 2 was marked 8 for identification.) 9 BY MS. HAMMETT: 10 Q Okay. I'm going to show you what I'm 11 going to identify as Exhibit No. 2. And for 12 everyone on the phone, this is the traffic homicide 13 investigation report that was done. 14 MS. AMBROSE: This is Linda. What number 15 is that? 16 MS. HAMMETT: This is going to be Exhibit 17 No. 2. 18 MS. AMBROSE: I thought two was the 19 diagram that the witness drew. 20 MS. HAMMETT: No. That was Exhibit 1. 21 MS. AMBROSE: Oh, I thought one -- okay. 22 I thought you put in the -- 23 MS. HAMMETT: I haven't put in -- 24 MS. AMBROSE: -- diagram from the police 25 report.</p>	<p>1 injured -- "injury to Gerald Ruhnow and the 2 total loss of two commercial vehicles. 3 Mr. Duke was operating the motor vehicle in 4 complete compliance with all the motor vehicle 5 laws governing the state of Alabama. Based on 6 these findings, it is the recommendation of 7 this investigator that the facts of this case 8 be presented to the next session of the Pike 9 County Grand Jury." 10 BY MS. HAMMETT: 11 Q Do you have any reason to disagree with 12 this conclusion? 13 MR. SPARROW: Objection -- 14 MS. AMBROSE: Objection to the form. It's 15 Linda. 16 MR. GARRETT: Same objection. Brett. 17 MS. WILLIS: Same objection. April. 18 BY MS. HAMMETT: 19 Q You can answer the question. 20 A Now, what was the question again? I'm 21 sorry. 22 Q Do you have any reason to disagree with 23 this conclusion? 24 A No. 25 MR. SPARROW: Callen.</p>
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<p>1 MS. HAMMETT: I've only put in one 2 diagram. 3 MS. AMBROSE: Okay. 4 MS. HAMMETT: For everyone's information, 5 this is the Traffic Homicide Investigation 6 Report, Case Number AST 380-5059, made by 7 investigator Trooper Kevin D. Cook. 8 BY MS. HAMMETT: 9 Q I'm going to show you a page and there's a 10 part of this that's entitled Conclusions and 11 Recommendations. For the record, would you just 12 read that paragraph for me? 13 A This one here (indicating)? 14 MR. SPARROW: I'm sorry. For the record, 15 what? 16 MS. HAMMETT: I'm just asking him to read 17 it, so I know he knows what it says. 18 MR. SPARROW: Objection. 19 MS. HAMMETT: Who was that, just so we 20 have it for the record? Can you identify -- 21 MR. SPARROW: Objection. This is Callen 22 Sparrow. 23 MS. HAMMETT: Okay. 24 THE WITNESS: "This motor vehicle crash 25 resulted in the fatal injury to Michael Duke,</p>	<p>1 THE COURT REPORTER: I'm sorry. Did 2 someone say something? 3 MR. SPARROW: Callen objected. 4 MS. HAMMETT: For the record, everyone -- 5 I think everybody objected to that question; is 6 that correct? I have April, Linda, Callen, and 7 is it Brett? 8 MR. GARRETT: Yeah, it's Brett. 9 MS. AMBROSE: Yeah, it was everybody. 10 MR. SPARROW: Okay. 11 BY MS. HAMMETT: 12 Q Is it your belief that Mr. Duke was 13 operating his motor vehicle in compliance with 14 Alabama state law? 15 MR. SPARROW: Objection. Callen. 16 MS. AMBROSE: Objection to the form. It's 17 Linda. 18 MR. GARRETT: Same objection. Brett. 19 BY MS. HAMMETT: 20 Q Go ahead and answer. 21 A Yes. 22 MS. HAMMETT: I'm just going to go through 23 my notes and make sure I don't have anything. 24 Does anyone else have any questions for him? 25 MR. GARRETT: I do.</p>

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<p>1 MR. SPARROW: I do too.</p> <p>2 MS. WILLIS: Me too.</p> <p>3 MS. HAMMETT: Let's start with Callen.</p> <p>4 MR. SPARROW: Okay. Do you want me to go</p> <p>5 ahead and start?</p> <p>6 MS. HAMMETT: Yeah, go ahead.</p> <p>7 CROSS-EXAMINATION</p> <p>8 BY MR. SPARROW:</p> <p>9 Q Mr. Jackson, my name is Callen Sparrow.</p> <p>10 How are you this morning?</p> <p>11 A I'm doing good. How are you?</p> <p>12 Q Fine. I just have a few follow-up</p> <p>13 questions for you.</p> <p>14 A Okay.</p> <p>15 Q As I understand it, having talked through</p> <p>16 this, you now are sure that the white Freightliner</p> <p>17 that passed you sometime before the impact was, in</p> <p>18 fact, the truck that Mr. Dukes was driving, correct?</p> <p>19 A Yes, that is correct. It was the only</p> <p>20 truck that had passed me, and he was still in front</p> <p>21 of me when the accident happened.</p> <p>22 Q Are you confident that it was the</p> <p>23 motorcycle that we understand was involved in an</p> <p>24 earlier wreck that had passed you?</p> <p>25 A Yes, that is correct.</p>	<p>1 Q And as I understand it, you were fully</p> <p>2 loaded and were headed up a hill when he passed you,</p> <p>3 and he passed you on the right, correct?</p> <p>4 A Correct.</p> <p>5 Q And then after he passed you, you then</p> <p>6 moved from the left lane into the right lane?</p> <p>7 A Correct.</p> <p>8 Q At the time of the impact between Mr. Duke</p> <p>9 and the motorcycle, was there any vehicle, truck,</p> <p>10 car, or otherwise in the right-hand lane of the</p> <p>11 southbound portion of U.S. 231?</p> <p>12 A I don't understand the question.</p> <p>13 Q My understanding is the impact between</p> <p>14 Mr. Duke's truck and the motorcycle occurred in the</p> <p>15 left southbound lane.</p> <p>16 A That is incorrect. I mean, it could -- I</p> <p>17 don't know. I never saw him hit the motorcycle. I</p> <p>18 don't know -- I didn't know there was a motorcycle</p> <p>19 there until the trooper told me that.</p> <p>20 Q All right. Let me rephrase my question.</p> <p>21 When you saw the sparks fly, were they flying from</p> <p>22 the right-hand or left-hand southbound lane?</p> <p>23 A The right-hand side. The right-hand lane.</p> <p>24 Q Okay. So you think that if there was an</p> <p>25 impact between what we think was the impact between</p>
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<p>1 Q And you're confident about that?</p> <p>2 A Yes. That is correct. There was only one</p> <p>3 motorcycle --</p> <p>4 Q And as I understood --</p> <p>5 A -- on the road.</p> <p>6 Q -- what you said earlier, it was a minute</p> <p>7 or two, couple of minutes between when the</p> <p>8 motorcycle passed you and when Mr. Dukes passed you?</p> <p>9 A Yes. That's correct.</p> <p>10 Q Did the motorcycle then move on down the</p> <p>11 road out of your field of vision?</p> <p>12 A He was out of my field of vision once I</p> <p>13 got behind Michael's truck.</p> <p>14 Q Right. And if I'm mistaken, tell me. Did</p> <p>15 you say it was about 15 minutes between when these</p> <p>16 vehicles passed you and when the wreck occurred that</p> <p>17 we're here to talk about?</p> <p>18 A No, it wasn't 15 minutes.</p> <p>19 Q How long was it?</p> <p>20 A It would have been, I don't know, maybe</p> <p>21 ten minutes. I'm not really sure.</p> <p>22 Q Okay. But you never lost sight of</p> <p>23 Mr. Duke's truck between when he passed you and when</p> <p>24 this wreck occurred?</p> <p>25 A That is correct.</p>	<p>1 the truck and motorcycle, it's your impression that</p> <p>2 it happened in the right-hand lane?</p> <p>3 A I can only assume that's what happened. I</p> <p>4 mean, I don't know. I didn't actually see it.</p> <p>5 Q I understand. And I don't want you to</p> <p>6 guess. I'm just -- you were behind him, and I'm</p> <p>7 just trying to see what you remembered.</p> <p>8 A Yeah, he --</p> <p>9 Q Do you have an opinion of right and left</p> <p>10 lane?</p> <p>11 A Yes, he -- Mr. -- Michael was in the</p> <p>12 right-hand lane.</p> <p>13 Q Okay. So after he passed you in the right</p> <p>14 lane, you never observed him move from right to left</p> <p>15 lane?</p> <p>16 A That's correct.</p> <p>17 Q Until all the sparks started flying?</p> <p>18 A Correct.</p> <p>19 Q All right. Now, once he passed you and</p> <p>20 got in front of you, as you stated a second ago, you</p> <p>21 couldn't really see anything in front of him because</p> <p>22 his truck was in front of you, right?</p> <p>23 A That's correct.</p> <p>24 Q All right. So you never saw the</p> <p>25 motorcycle or anything else in whichever lane he was</p>

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<p>1 in prior to the impact?</p> <p>2 A That's correct.</p> <p>3 Q All right. You've mentioned, Mr. Jackson,</p> <p>4 that there was a wiggle at some point, a slight</p> <p>5 wiggle to the right and left, correct?</p> <p>6 A Correct.</p> <p>7 Q Do you know if that -- rather, you don't</p> <p>8 know if that was before or after any impact between</p> <p>9 Mr. Duke's truck and the motorcycle, correct?</p> <p>10 A Correct.</p> <p>11 Q Other than the wiggle, as I understand</p> <p>12 your testimony, you did not witness Mr. Duke's truck</p> <p>13 make what Ms. Hammett referred to as evasive action</p> <p>14 or swerved until after the sparks began flying,</p> <p>15 correct?</p> <p>16 A That is correct.</p> <p>17 Q Now, you mentioned, Mr. Jackson, that</p> <p>18 after all of this had occurred and you were on the</p> <p>19 other side of the road out of your truck, you saw</p> <p>20 Mr. Ruhnow -- what we now know as Mr. Ruhnow coming</p> <p>21 from down in the ditch and from where all of the</p> <p>22 debris was, correct?</p> <p>23 A That's correct.</p> <p>24 Q All right, sir. And you were attempting</p> <p>25 to help him, and because of the bad burns that he</p>	<p>1 Mr. Duke telling you his name and that he was in</p> <p>2 pain, did you have any other conversation with</p> <p>3 Mr. Duke?</p> <p>4 A Other than we asked him if he -- if there</p> <p>5 was anybody else in the truck, and he didn't say</p> <p>6 anything.</p> <p>7 Q All right. Did you hear him -- whether it</p> <p>8 was what I would consider or you would consider a</p> <p>9 conversation with him, did you hear him say to</p> <p>10 anyone else anything else there at the scene?</p> <p>11 A No, I did not.</p> <p>12 Q Since the date of the wreck, have you</p> <p>13 spoken with Mr. Ruhnow?</p> <p>14 A No, I have not.</p> <p>15 Q Since the date of the wreck other -- or</p> <p>16 since the wreck itself, other than what you've told</p> <p>17 us about seeing Mr. Lynch at the truck stop, have</p> <p>18 you spoken with anyone else who said they witnessed</p> <p>19 the wreck?</p> <p>20 A No, I have not. Just Mr. Lynch.</p> <p>21 Q Have you ever spoken with Mr. Lynch since</p> <p>22 that day?</p> <p>23 A Yeah. We spoke the day after the wreck.</p> <p>24 I called him to see if he had heard any information</p> <p>25 on the driver that -- Michael -- actually, both</p>
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<p>1 had, he asked you -- he said, don't touch me, right?</p> <p>2 A That's correct.</p> <p>3 Q He asked, why did he come across and hit</p> <p>4 me? And as I understood your testimony, you said it</p> <p>5 looked to you like he was tired; is that correct?</p> <p>6 MS. HAMMETT: Object --</p> <p>7 THE WITNESS: No.</p> <p>8 MS. HAMMETT: -- to the form.</p> <p>9 Go ahead.</p> <p>10 THE WITNESS: I said it looked like he had</p> <p>11 blown a tire.</p> <p>12 BY MR. SPARROW:</p> <p>13 Q Okay. That's why I'm asking. I want to</p> <p>14 make sure I understood what you said.</p> <p>15 A Uh-huh.</p> <p>16 Q And at that time when you said that, like</p> <p>17 you said, you weren't sure which driver you were</p> <p>18 talking to?</p> <p>19 A That's correct.</p> <p>20 Q Other than that conversation and the</p> <p>21 conversation about, don't touch me, I'm hurting, and</p> <p>22 your saying, follow my voice, there at the scene did</p> <p>23 you have any other conversation with Mr. Ruhnow?</p> <p>24 A No, I did not.</p> <p>25 Q Other than what you've told us about</p>	<p>1 drivers. And he said he had tried to call the</p> <p>2 hospital, and they wouldn't give him any</p> <p>3 information.</p> <p>4 Q Did you -- you told us that you gave a</p> <p>5 statement of some sort to one of the investigating</p> <p>6 police officers?</p> <p>7 A Yes.</p> <p>8 Q About what you had seen?</p> <p>9 A Yes.</p> <p>10 Q Other than that at the scene, have you</p> <p>11 given a statement to anyone since the date of the</p> <p>12 wreck?</p> <p>13 A I talked to -- I'm sorry, I don't --</p> <p>14 MS. HAMMETT: Katie.</p> <p>15 THE WITNESS: Katie. And then there was</p> <p>16 another lawyer that called me, I guess --</p> <p>17 wow . . .</p> <p>18 BY MR. SPARROW:</p> <p>19 Q A while back?</p> <p>20 A Yeah, before I spoke to Katie. I guess it</p> <p>21 was several months ago about the same thing. I</p> <p>22 don't remember the gentleman's name, but I told him</p> <p>23 what I saw as well, and he was the one who actually</p> <p>24 informed me that Michael had passed away.</p> <p>25 Q All right. Other than what you've told us</p>

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<p>1 about being informed about the motorcycle by I think</p> <p>2 you said the trooper, have you spoken to anybody who</p> <p>3 had any information about the motorcycle or any</p> <p>4 accident or wreck that occurred before the one</p> <p>5 between Mr. Ruhnow and Mr. Duke?</p> <p>6 A No, nobody.</p> <p>7 Q There at the scene did you talk to</p> <p>8 anybody -- strike that. As you approached the</p> <p>9 scene, did you see anybody standing on your side of</p> <p>10 the road, on the southbound side of 231, before the</p> <p>11 wreck?</p> <p>12 A No.</p> <p>13 Q Did you see a car parked beside the road</p> <p>14 before the wreck?</p> <p>15 A Not before the wreck, no.</p> <p>16 Q How about when you came -- where did you</p> <p>17 come to a stop, by the way?</p> <p>18 A The turn lane -- the right-hand turn lane</p> <p>19 just before the Pritchard gas station.</p> <p>20 Q So you pulled off to the right, pulled</p> <p>21 your truck off to the right?</p> <p>22 A That's correct.</p> <p>23 Q Where there any vehicles parked -- at the</p> <p>24 moment you stopped and got out to go check on</p> <p>25 things, were there any vehicles parked on either</p>	<p>1 A But he was the other driver on the scene.</p> <p>2 I don't know how far he was behind me, though.</p> <p>3 Q All right. So as you approached where</p> <p>4 this accident occurred, looking around the highway,</p> <p>5 could you have seen -- I guess you could have seen</p> <p>6 Mr. Ruhnow's headlights coming northbound, correct?</p> <p>7 A I saw them right before the impact. I</p> <p>8 mean, I wasn't really focused on northbound traffic.</p> <p>9 Q Sure. And at this point you were in the</p> <p>10 right-hand southbound lane?</p> <p>11 A That's correct.</p> <p>12 Q And really all that you were focused on or</p> <p>13 that was in your vision was Mr. Duke's truck, which</p> <p>14 appeared to you to also be in the right-hand lane</p> <p>15 traveling south?</p> <p>16 A That's correct.</p> <p>17 Q Hold on one second.</p> <p>18 Did you witness any brake lights, prior to</p> <p>19 the sparks flying, on Mr. Duke's truck?</p> <p>20 A I don't remember. I don't...</p> <p>21 Q If you don't remember, that's fine. I'm</p> <p>22 just trying to find out what you remember.</p> <p>23 A Yeah, I don't remember if I did or not.</p> <p>24 Q So you're not in a position to tell us</p> <p>25 where Mr. Adkins or Ms. Champion were either in or</p>
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<p>1 side of the highway other than you and the two</p> <p>2 trucks that had just gotten in a wreck?</p> <p>3 A Not that I can remember. I really wasn't</p> <p>4 paying attention to what was alongside of me.</p> <p>5 (Off-the-record discussion.)</p> <p>6 BY MR. SPARROW:</p> <p>7 Q You've told me, Mr. Jackson, that you</p> <p>8 believe that Mr. Dukes stayed in the right-hand lane</p> <p>9 after passing you, correct?</p> <p>10 A Yes. That is correct.</p> <p>11 Q After -- after Mr. Duke passed you,</p> <p>12 between that time and the impact and all the sparks</p> <p>13 flying, any other vehicles pass you that you</p> <p>14 remember?</p> <p>15 A After he passed me?</p> <p>16 Q Yes.</p> <p>17 A Not that I remember, no.</p> <p>18 Q Was there anyone between you and Mr. Dukes</p> <p>19 at the time that this impact occurred?</p> <p>20 A No, there wasn't.</p> <p>21 Q Other than who I believe is John Lynch,</p> <p>22 anybody close behind you?</p> <p>23 A Other than Mr. Lynch, I don't know how</p> <p>24 close he was behind me.</p> <p>25 Q All right. Well, behind you.</p>	<p>1 outside of vehicles immediately prior to this</p> <p>2 impact? They're the people involved in the earlier</p> <p>3 accident.</p> <p>4 A Yeah, I don't -- I don't even know. I</p> <p>5 mean, I didn't even --</p> <p>6 Q You don't know who --</p> <p>7 A -- know they were there.</p> <p>8 Q -- they are, didn't talk to them, and</p> <p>9 don't know where they were?</p> <p>10 A No, not at all.</p> <p>11 Q Mr. Duke was about 75 yards in front of</p> <p>12 you, as I understand it, when this impact occurred?</p> <p>13 A That's just a guesstimate. I mean, I</p> <p>14 don't know -- he wasn't very far from me at all. So</p> <p>15 I would guess -- if I was to guess, it would be</p> <p>16 between 75 and 50 yards, I guess. He wasn't very</p> <p>17 far in front of me at all.</p> <p>18 Q I understand. I'm not going to hold you</p> <p>19 to the exact distances. Could you see his truck</p> <p>20 pretty easily?</p> <p>21 A Oh, yes, yes.</p> <p>22 Q While I understand there was some rain out</p> <p>23 there, it wasn't enough to obscure your vision down</p> <p>24 231, at least as far as Mr. Duke's truck was?</p> <p>25 A No, not at all. It was -- it wasn't a</p>

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<p>1 heavy rain, and it was just a little more than a 2 drizzle. I mean, it wasn't raining really bad, but 3 the streets were wet. So it wasn't like -- you 4 know, like a downpour of any kind. 5 Q And when we first started, you said that 6 in your mind the kind of marker for where this 7 happened, as I understood you, was it was right near 8 a -- was it a convenience store, a truck stop? 9 A It was a gas station, just a regular gas 10 station. It wasn't a truck stop or anything. 11 Q All right. And it was on the right-hand 12 side -- 13 A That's correct. That's correct. 14 Q How far down the highway was it -- 15 A From where the impact -- 16 Q -- where this occurred? 17 A From where the impact happened? 18 Q Yes. 19 A It's right there. 20 Q Was it open? 21 A Yes, I believe so. 22 Q And what was the name of it, Pritchard's? 23 A I believe it was a Pritchard's. 24 MR. SPARROW: All right. I think that's 25 all I have right now. Thank you, Mr. Jackson.</p>	<p>1 Q Okay. 2 A I mean, I don't know. 3 Q Okay. Take a look at -- I think it's been 4 marked -- 5 MR. GARRETT: You-all might help me with 6 this. Which exhibit is the trooper's drawing 7 of the truck accident? Have we labeled that as 8 Exhibit A today or No. 1? 9 MR. SPARROW: One. 10 MS. HAMMETT: I have Exhibit 1. 11 BY MR. GARRETT: 12 Q Okay. Take a look at that for me, 13 Mr. Jackson, and let me know when you've got it in 14 front of you. 15 A Okay. I have it. 16 Q Okay. A couple of questions. We've 17 determined earlier that in terms of this diagram 18 we've got some things that are wrong on it. The 19 first being your testimony was that the position of 20 those trucks is drawn incorrectly; is that true? 21 A That's correct. 22 Q And the -- in truth, Michael's truck 23 should be running more of an east/west direction, 24 kind of an L-shaped collision; is that true? 25 A That's correct.</p>
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<p>1 THE WITNESS: You're welcome. 2 MR. GARRETT: I've got a couple, if you're 3 ready, or somebody else can go if they want to. 4 This is Brett Garrett. 5 MS. HAMMETT: Why don't you go ahead, 6 Brett. 7 MR. GARRETT: Okay. 8 CROSS-EXAMINATION 9 BY MR. GARRETT: 10 Q Mr. Jackson, my name is Brett Garrett, and 11 I'm in Montgomery, Alabama, this morning, and I 12 represent Ms. Champion, who was driving the 13 automobile involved in what we've been calling the 14 previous accident to the one you witnessed. Thanks 15 for your time. I appreciate it. 16 If you would, take a look -- well, first 17 and foremost, that motorcycle that you're talking 18 about that drove by you earlier before the accident 19 in question, it was a black motorcycle, and the 20 person riding it, I think you testified, was wearing 21 a yellow rain suit; is that correct? 22 A That's correct. 23 Q Now, what style bike was it? Was it 24 Yamaha style or was it like a Harley? 25 A I couldn't tell you.</p>	<p>1 Q Okay. And the second item I want to point 2 out to you is the trooper has the impact location 3 drawn between the motorcycle and Michael's 4 commercial vehicle in the left-hand lane of the 5 southbound two lanes of traffic. And that is 6 incorrect per your memory, is that true? 7 A I don't know where the motorcycle was 8 positioned, but I know that Mr. Michael's truck was 9 in the right-hand lane in front of me. 10 Q Okay. You testified earlier that where 11 the -- the collision with the motorcycle, based upon 12 where you saw sparks, he was in the right-hand lane 13 at that time? 14 A That's correct. 15 Q Okay. And, third, you testified a second 16 ago that you pulled off of the two southbound lanes 17 to the right in a -- I don't want to put words in 18 your mouth, but I was kind of thinking that was some 19 kind of deceleration lane. Is that deceleration 20 lane noted on this drawing? 21 A No, it's not. 22 Q Okay. And assuming that Pritchard's is in 23 the area where this accident would be, would -- that 24 deceleration lane you were speaking of, would that 25 be leading towards Pritchard's?</p>

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<p>1 A That, I don't -- I don't know.</p> <p>2 Q Okay.</p> <p>3 A Because I actually stopped just north of</p> <p>4 the gas station itself. So, I mean, I may have been</p> <p>5 a few yards from that, I believe.</p> <p>6 Q Okay. Did you actually use the</p> <p>7 deceleration lane to get off the southbound road?</p> <p>8 A Yeah, it was a turn lane, is what it was,</p> <p>9 and that's -- that's where I stopped, yes. I</p> <p>10 stopped in that lane.</p> <p>11 Q What was that turn lane leading to?</p> <p>12 A I don't know.</p> <p>13 Q Okay. Could you use --</p> <p>14 A I mean, it was a road. I don't --</p> <p>15 Q -- that turn lane to go to Pritchard's?</p> <p>16 A No. It could have been. I mean, I just</p> <p>17 don't know. Like I said, I was -- I had stopped</p> <p>18 before the actual gas station. So it may have been</p> <p>19 a road. I don't know if it was one leading into the</p> <p>20 gas station. I just don't know.</p> <p>21 Q Okay. But when you stopped your vehicle,</p> <p>22 how far were you -- I mean, right after the</p> <p>23 accident, when you pulled off and stopped your</p> <p>24 vehicle, how far were you from that gas station?</p> <p>25 A Probably 15, 20 feet maybe, maybe a little</p>	<p>1 Q I understand. Do you think -- I mean, I</p> <p>2 know this is asking for a little bit of speculation,</p> <p>3 but do you feel like if they were there, you would</p> <p>4 have noticed, or were you too busy watching other</p> <p>5 things?</p> <p>6 A Well, I mean, I did notice a lady, you</p> <p>7 know, as I stated before, that was -- seemed to be</p> <p>8 really distraught, with a friend of hers or somebody</p> <p>9 there. I don't know who they were, but --</p> <p>10 Q Hold on for a second. What do you</p> <p>11 remember about her?</p> <p>12 A Just that she was -- appeared really,</p> <p>13 really distraught. She was crying and kind of</p> <p>14 screaming. That's about all I remember about it.</p> <p>15 Q Okay. Was she a white woman, black woman?</p> <p>16 A She was a white woman. She may have been</p> <p>17 a little heavysset. I don't really remember exactly.</p> <p>18 But she was a white woman.</p> <p>19 Q Okay. Hair color, what color hair did she</p> <p>20 have?</p> <p>21 A I couldn't tell you.</p> <p>22 Q And you said she had a female friend with</p> <p>23 her?</p> <p>24 A It was a male friend.</p> <p>25 Q Male friend. Okay. Do you remember her</p>
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<p>1 more than that.</p> <p>2 Q From the gas station?</p> <p>3 A I'm sorry?</p> <p>4 Q You're saying you were 15 or 20 feet from</p> <p>5 the gas station?</p> <p>6 A Yeah. I was pretty close to it.</p> <p>7 Q Okay. But you don't know that the lane</p> <p>8 that you were actually -- that you used to get off</p> <p>9 the southbound lane if that led to the gas station?</p> <p>10 A No, I don't know. I mean, it was before</p> <p>11 that, so I don't know if that was one that would</p> <p>12 lead into the gas station. I just don't remember.</p> <p>13 I don't think it did, but, I mean, I would have to</p> <p>14 go back and look at it to be exactly sure.</p> <p>15 Q Okay. But, nonetheless, whatever lane you</p> <p>16 were in, eventually when you stopped, you were 15 or</p> <p>17 20 feet from the gas station?</p> <p>18 A Yeah. That's just give or take. I mean,</p> <p>19 I don't know exactly how far I -- I was close. I</p> <p>20 was very, very close.</p> <p>21 Q And at that point, it was your testimony</p> <p>22 that you do not remember seeing any parked vehicles</p> <p>23 or any pedestrians at that point?</p> <p>24 A I don't remember. I was focused on the</p> <p>25 accident itself.</p>	<p>1 saying anything, besides obviously she was upset and</p> <p>2 crying? But besides that, did she say anything or</p> <p>3 anything you remember?</p> <p>4 A She didn't say anything to me. I mean, I</p> <p>5 wasn't that close to her. So, I mean, she wasn't</p> <p>6 close enough for me to actually speak to her.</p> <p>7 Q Okay. I also need to clarify a couple of</p> <p>8 things about that little wiggle we talked about</p> <p>9 earlier. I understand that so far it's been your</p> <p>10 testimony that you were following Michael directly</p> <p>11 behind him in the right-hand lane in the southbound</p> <p>12 two lanes, and that your first indication that there</p> <p>13 was a problem was that you noticed some sparks</p> <p>14 coming from his trailer; is that correct?</p> <p>15 A There were sparks that I thought were</p> <p>16 coming from the trailer, yes.</p> <p>17 Q Okay. Or from his rig in general?</p> <p>18 A Yes. That's correct.</p> <p>19 Q And before that, you stated that you did</p> <p>20 not recall seeing any brake lights; is --</p> <p>21 A I --</p> <p>22 Q -- that correct?</p> <p>23 A I don't remember, that's correct.</p> <p>24 Q Okay. Now, in this -- where did you first</p> <p>25 see this -- this wiggle?</p>

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<p>1 A You mean in position-wise?</p> <p>2 Q Yes, sir. Was it before -- was it before</p> <p>3 the sparks or after the sparks?</p> <p>4 A I believe it was after the sparks. I'm</p> <p>5 not really sure. I don't remember exactly. I</p> <p>6 believe it was after the sparks.</p> <p>7 Q Would the wiggle have come before the</p> <p>8 aggressive left turn maneuver?</p> <p>9 A Yes.</p> <p>10 MS. HAMMETT: Object to the form.</p> <p>11 THE WITNESS: It was -- yes.</p> <p>12 BY MR. GARRETT:</p> <p>13 Q Okay. So it was -- it was before the hard</p> <p>14 left turn, but we're not sure if before or after the</p> <p>15 sparks; is that correct?</p> <p>16 A It would have been just before the hard</p> <p>17 left turn, if I remember correctly.</p> <p>18 MS. HAMMETT: Objection.</p> <p>19 BY MR. GARRETT:</p> <p>20 Q Okay. Mr. Jackson, who do you drive for?</p> <p>21 A Well, I used to -- at that time I was</p> <p>22 driving for ABA Carriers.</p> <p>23 Q That was ABA?</p> <p>24 A That's correct.</p> <p>25 Q And where are they out of?</p>	<p>1 THE WITNESS: Okay. He said that there</p> <p>2 was an accident. That a car pulled out in</p> <p>3 front of a motorcycle. The motorcycle</p> <p>4 rear-ended the car. He never stated where the</p> <p>5 actual rider of the motorcycle was. That</p> <p>6 Michael's truck hit the motorcycle, popped in</p> <p>7 the air, blew one of the steer tires, and that</p> <p>8 the sparks that I saw was the truck dragging</p> <p>9 the motorcycle across the road. And he also</p> <p>10 said that's what exploded --</p> <p>11 BY MR. GARRETT:</p> <p>12 Q The trooper told you that Michael's rig</p> <p>13 hit the motorcycle and then caused the motorcycle to</p> <p>14 become airborne?</p> <p>15 A No. No. That the truck popped in the</p> <p>16 air. I guess when he hit the motorcycle, that it</p> <p>17 popped the truck up.</p> <p>18 Q Oh, I see. Okay.</p> <p>19 A And that the truck came down on the</p> <p>20 motorcycle, blew the tire, and that's what -- those</p> <p>21 were the sparks that I saw.</p> <p>22 Q Okay. When you were behind him, did you</p> <p>23 recall seeing his cab become airborne?</p> <p>24 A No, I couldn't tell. I never saw it. I</p> <p>25 couldn't see his -- the actual tractor. All I could</p>
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<p>1 A Ocoee, Florida.</p> <p>2 Q And did you make a lot of Alabama runs?</p> <p>3 Were you familiar with that run?</p> <p>4 A Yeah. I used to go up there three times a</p> <p>5 week.</p> <p>6 Q I'm sorry. I didn't catch how many times</p> <p>7 a week.</p> <p>8 A Three times a week.</p> <p>9 Q Give me one second. I'm looking this</p> <p>10 over. I apologize.</p> <p>11 Okay. Do you recall who the trooper was</p> <p>12 you spoke with? I may have already asked you this.</p> <p>13 A No, I don't.</p> <p>14 Q Okay. And when he told -- I believe you</p> <p>15 testified earlier that the trooper -- first of all,</p> <p>16 did you just speak to one trooper?</p> <p>17 A Yes. That's correct.</p> <p>18 Q And that trooper told you -- explain to me</p> <p>19 exactly what that trooper told you about the initial</p> <p>20 accident in as much detail as you can recall.</p> <p>21 A What he said was that --</p> <p>22 MS. AMBROSE: Object to the form.</p> <p>23 MS. HAMMETT: You may answer. I object to</p> <p>24 the form, too.</p> <p>25 Go ahead.</p>	<p>1 see was the trailer.</p> <p>2 Q I understand. Give me one second and I</p> <p>3 will probably be done with you.</p> <p>4 A Okay.</p> <p>5 MR. GARRETT: Okay. Mr. Jackson, that's</p> <p>6 it. I appreciate your time. Thank you.</p> <p>7 THE WITNESS: Sure.</p> <p>8 MS. AMBROSE: I've just got one question.</p> <p>9 This is Linda.</p> <p>10 THE WITNESS: Okay.</p> <p>11 CROSS-EXAMINATION</p> <p>12 BY MS. AMBROSE:</p> <p>13 Q Mr. Jackson, do you recall what the speed</p> <p>14 limit was on that stretch of road?</p> <p>15 A Fifty-five.</p> <p>16 Q Okay. And you were going about 45 because</p> <p>17 you were fully loaded?</p> <p>18 A Yes, and I was going up a hill. That's</p> <p>19 correct.</p> <p>20 MS. AMBROSE: All right. That's all I</p> <p>21 have.</p> <p>22 MR. SPARROW: I don't think I have</p> <p>23 anything else.</p> <p>24 MS. HAMMETT: Can you-all give me like a</p> <p>25 five-minute break and let me come back. And I</p>

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<p>1 will have just maybe one or two, and I think 2 we'll be done. This is Katie. 3 MS. AMBROSE: Yeah. Did April have any 4 questions? 5 MS. WILLIS: I do not, no. 6 MS. HAMMETT: You-all just give me a 7 minute. 8 MR. SPARROW: All right. 9 THE VIDEOGRAPHER: The time is 10:27. Off 10 the record. 11 (Whereupon, a recess was had.) 12 THE VIDEOGRAPHER: Back on the record. 13 The time is 10:34. 14 REDIRECT EXAMINATION 15 BY MS. HAMMETT: 16 Q Mr. Jackson, this is Katie Hammett again. 17 I represent Lane Heard Trucking. I just want to 18 follow up on a couple of things. 19 A Okay. 20 Q I know you testified earlier that it was 21 raining and it was at night. How dark was it 22 outside? 23 A Pretty dark. I mean, there's no lights at 24 that stretch of the road. 25 Q And I think you testified earlier once he</p>	<p>1 know, I didn't want to get hit by any flying debris 2 from the tire or anything, so I slowed down. And 3 when I saw him go across the road is when I actually 4 stopped. 5 Q I think this might have been covered, but 6 there -- you testified you don't remember seeing 7 anybody on the side of the road at -- 8 A Correct. 9 Q -- that time of the accident? 10 Is it possible there were people and you 11 just were focused on the accident? 12 A That's correct. There could have been 13 people there. I mean, once I saw the two trucks 14 hit, I mean, I got myself off the road safely and 15 was focused on calling 911 and getting over to see 16 if I could find the drivers. 17 Q I think you also testified you don't 18 recall seeing any brake lights of Mr. Duke's truck. 19 Is it possible there were brake lights and you just 20 don't recall? 21 A Sure, there could have been. 22 MR. SPARROW: Objection. This is Callen. 23 THE WITNESS: I mean, there could have 24 been. I don't -- you know, I just don't 25 remember if I saw them or not. I mean, I'm</p>
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<p>1 passed you you were able to see Michael Duke's 2 taillights in front of you and you were able to see 3 that vehicle in front of you; is that correct? 4 A That's correct. 5 Q Would it have been difficult to see a 6 vehicle in the road without their headlights or 7 taillights on? 8 MR. SPARROW: Objection. This is Callen. 9 MR. GARRETT: Same objection. 10 MS. AMBROSE: Same objection. This is 11 Linda. 12 BY MS. HAMMETT: 13 Q You can answer the question. 14 A Yes, it would, I mean, especially if it 15 was a black -- something black, I mean, unless you 16 were right up on it, you know. I mean, it would be 17 difficult to see from a distance, yes. 18 Q Is it fair to say that after you saw the 19 sparks flying that you started focusing on the 20 sparks and what was going on right in front of you? 21 A Yeah, I can tell you exactly what I did 22 after I saw the sparks fly. I immediately, uh, 23 slowed down and gave him room to -- you know, 24 because I know that once, you know, a truck blows 25 its tire that it may move around a little bit. You</p>	<p>1 sure there could have been. 2 BY MS. HAMMETT: 3 Q But it's fair to say that once you saw the 4 sparks you were focused on getting yourself safely 5 out of the way? 6 A Well, yeah, I just -- yeah. Yes. 7 Q Is there any information about this 8 accident that you feel like is relevant that we 9 haven't asked you about today? 10 A I don't think so, no. 11 Q Is there anything else you can recall 12 about it that you haven't told us or we haven't 13 asked you? 14 A No. That's everything that I remember of 15 the accident. 16 MS. HAMMETT: Does anyone have anything 17 else? 18 MR. SPARROW: Not me. 19 MS. WILLIS: No. 20 MS. AMBROSE: No. Linda doesn't. 21 MS. HAMMETT: Well, I appreciate your time 22 and I know the jury will appreciate it. 23 THE WITNESS: Sure. No problem at all. 24 MR. SPARROW: See you-all. 25 MS. HAMMETT: Everybody hold on.</p>

18 (Pages 69 to 72)

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<p>1 THE VIDEOGRAPHER: This concludes the</p> <p>2 deposition of Randall Jackson. Off the record</p> <p>3 at 10:38.</p> <p>4 (Off the record.)</p> <p>5 MS. HAMMETT: Did you want to read and</p> <p>6 sign the deposition? It allows you to look</p> <p>7 over it and make sure everything is accurate,</p> <p>8 or you can waive it.</p> <p>9 THE WITNESS: Whatever you need me to do</p> <p>10 is fine.</p> <p>11 MS. HAMMETT: If you feel confident that</p> <p>12 it will be accurate, you can --</p> <p>13 THE WITNESS: What I said is what</p> <p>14 happened.</p> <p>15 MS. HAMMETT: Okay.</p> <p>16 THE COURT REPORTER: You're ordering this</p> <p>17 deposition?</p> <p>18 MS. HAMMETT: Yes.</p> <p>19 (The signature of the witness to the</p> <p>20 deposition was waived.)</p> <p>21 (Whereupon, the deposition was concluded</p> <p>22 at 10:38 a.m.)</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 TRANSCRIPT CERTIFICATE</p> <p>2</p> <p>3 STATE OF FLORIDA)</p> <p>4 COUNTY OF ORANGE)</p> <p>5</p> <p>6 I, JAN L. O'STEEN, Professional Court</p> <p>7 Reporter, certify that I was authorized to</p> <p>8 and did stenographically report the foregoing</p> <p>9 proceedings and that the transcript is a true and</p> <p>10 complete record of my stenographic notes.</p> <p>11</p> <p>12 DATED this 8th day of April, 2006.</p> <p>13</p> <p>14</p> <p>15 <u>JAN L. O'STEEN</u></p> <p>16 Professional Court Reporter</p> <p>17 Notary Public</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3 STATE OF FLORIDA)</p> <p>4 COUNTY OF ORANGE)</p> <p>5</p> <p>6 I, the undersigned authority, certify that</p> <p>7 Randall Jackson personally appeared before me</p> <p>8 and was duly sworn.</p> <p>9 WITNESS my hand and official seal this 8th day</p> <p>10 of April, 2006.</p> <p>11</p> <p>12</p> <p>13 <u>JAN L. O'STEEN, COURT REPORTER</u></p> <p>14 Notary Public - State of Florida</p> <p>15 COMMISSION NO. DD0354303</p> <p>16 EXPIRES: 9/2/2008</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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